

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
922 WRIT PETITION NO.7236 OF 2022

SURESH ANANDRAO CHAUDHARI AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY AND
OTHERS

Mr. V. P. Latange, Advocate for the petitioners
Mr. S. G. Karlekar, AGP for the respondents/State
Mr. A. B. Kadethankar, Advocate for respondent
No.2

CORAM : RAVINDRA V. GHUGE &
ANIL L. PANSARE, JJ.

DATE : 13th July, 2022

P. C.

1. By this petition, the petitioners have
putforth prayer clauses 'B' and 'C' as under:-

B] By issuing writ of mandamus or any
other writ, order or directions in the
nature of writ of mandamus, the order
dated 16-06-2022 passed by Divisional
commissioner; Aurangabad thereby
rejecting the objection of the
petitioners for formation of electoral
Division & Blocks may kindly be quashed
and set aside.

C] The objection of the petitioners in

respect of formation of the electoral division of village Viha Mandwa, Tq. Paithan, Dist. Aurangabad of Gut NO. 70 may kindly be allowed in view of objection dated 07-06-2022 and the formation may be set aside.

2. We have considered the submission of the petitioner and the learned advocates on behalf of the respondents.

3. The thrust of the two petitioners is that they are the residents of Navgaon, Tq. Paithan, Dist. Aurangabad and Navgaon be included in the village division of Ward No.70, Viha-Mandwa, Tq. Paithan, Dist. Aurangabad. Presently, it is included in Navgaon- Awade Uchegaon.

4.

Village	:	Distance in Km
Navgaon-Vihamandva	:	9 km

Navgaon-Awade Uchegaon	:	5.9 km
Navgaon-Takali Ambad	:	6.2 km
Navgaon-Hirapuri	:	10.2 km
Navgaon-Hanuman Nagar	:	11.2 km
Navgaon-Sonwadi	:	40.2 km
Navgaon-Ghari	:	24.5 km
Navgaon-Mohamadpur	:	24.1 km
Navgaon-Telwadi	:	21 km
Navgaon-Kavasan	:	20.7 km
Navgaon-Chagatpuri	:	20.4 km
Navgaon-Natkarwadi	:	21.0 km
Navgaon-Saigaon	:	20 km
Navgaon-Dadegaon Jagagir	:	19.9 km
Navgaon-Pategaon	:	16.5 KM

5. This petition is restricted to these two petitioners who pray that the village Nawgaon should be included in the Viha-Mandwa division which is 9 km away, as against it's present inclusion in Aawde-Unchegaon which is 5.9 km.

6. As such, notwithstanding the view taken by this court in judgment dated 05-07-2022 in writ petition No.6765/2022 filed at Aurangabad by Anant Baburao Golait (Gahilot) Vs The State Election Commission of Maharashtra and others, even logically, the claim of the petitioners is unsustainable. When they have been included in the Awde-Unchegaon division which is the closest division to be included into, we find no reason to entertain the claim of the petitioners that their village should be included in the Viha-Mandwa division which is 9 km away. Moreover, the election process cannot be interrupted or postponed for entertaining such a request. So also, on a request on behalf of only two villagers, when the population of Navgaon is around 6000, we find that this petition need not be entertained. Elections are imminent and the

election program could be declared any moment.

7. Considering the above and the view taken in Anant Baburao Golait (supra), this petition is dismissed.

8. At this juncture the learned advocate for the petitioners submits on instructions that liberty may be granted to enable the petitioners to avail of any other statutory remedy. Such request is accepted.

[ANIL L. PANSARE, J.]

[RAVINDRA V. GHUGE, J.]